THURSDAY JANUARY 3 1907 SALT LAKE CITY UTAH

ENTHUSIASM IN OGDEN TODAY

Utah Teachers Scatter Over the City to Attend Departmental Meetings.

THEN RALLY AT OPERA HOUSE.

Where Feature Was an Address By Miss Sarah Louise Arnold Of Boston.

All Are Working Hard But Are Finding Time to Take a Few Pleasure Jaunts.

• EGGERTSON BOOM STARTS.

Utah County Superintendent Has Following for President.

(Special to the "News.") Ogden, Jan. 3 .- This afternoon a decided boom in favor of L. E. Eggertson for president is being developed. Mr. Eggertson is superintendent of Utah county schools, and the arguments used in his favor are that it is now the turn of a county superintendent to hold the office of president. It has already been held by the head of the state university, by the president of the Agricultural college and by the principal of the Salt Lake high

school. There is also a strong sentiment prevailing among many of the delegates in favor of the reelection of the present incumbent, Prof. George A. Eaton.

..... (Special to the "News.")

Ogden, Jan. 3 .- Over 2,000 people crowded into the Grand Opera House this afternoon at the second general session of the thirteenth annual convention of the Utah Teachers' association. The feature of the afternoon is a speech by Miss Sarah Louise Arnold, dean of Simmons college, Boston, on the subject, "delicial Promems of School Discipline."

School Discipline."

Following the address it is planned to run a big excursion of visiting teachers over the Lucin cut-off, the train to return in time for the evening lecture by Supt. Cooley of the Chicago schools, who is another prominent guest of the convention.

One distinctive feature.

One distinctive feature of the programs so far has been the music. It has been arranged under the direction of Squire Coop and visitors and teachers alike have joined in praising it. At the meeting of the high school section vestorday afternoon Squire Coop was the meeting of the high school section yesterday afternoon Squire Coop was praised by Supt. Cooley for the musical program, and he was advised to seek wider fields than Utah affords for the development of his opportunities.

BUSY THIS MORNING. This morning was taken up in departmental meetings, following those held yesterday afternoon. The meet-ings were all called at 9:30 o'clock, and met at the various churches and other halls. The departments represented

were kindergarten, grammar, school board, music, elocution and physical education, and business.

In each of these section meetings discussions of an infomal nature followed the reading of set papers, and an election of officers was held for next year.

KINDERGARTEN SECTION. The Kindergarten section met in the First Congregational church, and listened to papers by Miss Elmina Taylor on "Kindergarten Occupations," Miss Emily Rossberg on "The Use of Froebel's Gifts;" Miss Fox, on "Songs and Games" Miss Ida Dusenberry on "Kindergarten Program," and Miss Morris on "Kindergarten Stories."

GRAMMARIANS GATHER. The grammar section assembled in the Methodist Episcopal church. B. W. Ashton was in charge, with E. S. Sheets as secretary. The following program was carried out:

was carried out:

"Concertation of Reading and Langguage in Grammar Grades," by Miss
Rosalle Pollock of Salt Lake; "Use and
Abuse of the Text Book" by Oscar Van
Cott, principal of the Wasatch school; "Preparation in English for the High School" by Ella M. Dukes of Salt Lake; "Fundamentals a Teacher Should Know" by Principal F. D. Keeler of the Webster school, Salt Lake. The papers were each limited to 15 minutes and an informal discussion followed each

The school board section met at the Weber club. D. W. Moffat of the Murray school board, talked of the organization of the schools on the county board plan. State Supt. A. C. Nelson discussed the question: "Should Supervisors be Employed in Schools Outside of the Cities?"

MUSICIANS AT CHURCH.

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An interesting program was that enjoyed by the members of the music section, which met in the First Presbyterian church. Prof. William Wetzell of Salt Lake presided, and the program consisted of the informal discussion of a number of topics, among them being:

"Is the Music Instruction in the Public Schools of Advantage to the Studio Teacher?"

"When Do Children Have an Accurate Working Knowledge of the Tonality of the Scale?"

"What Incentives Shall We Offer to Children to Study Music?"

"The School Choir and the School Orchestra."

chestra."

The papers and discussions were given by Prof. Ballantyne and Prof. Coop of Ogden; Prof. Thatcher of Losan; Prof. Lund of Provo; Superintendent Boshard of Provo; Supervisor Roylance of Springville; Supervisor Thomas of Logan.

The Carnegie library building was the meeting place of the elocution and phycial education section. Dr. E. G. Giowans presided, and the topics discussed were "What Can the Public School Do for the Physically Defective Child," by E. J. Milne of the Latter-day Saints' university, and "The Child and Its Need," on which topic many of those present spoke.

PENMANSHIP THE THEME

well of the Ogden high school on "A Plan for Intercommunication Work;" J. A. Smith on "Some Things I Do and Some Things I do Not Do," F. W. Otterstrom on "Results in Shorthand;55 Katherine McCrory on "Typewriting," and T. B. Smith of the B. Y. U. at Provo on "Relative Value of the Fouryear Business Course Compared with Other Four-year Courses."

Following the lecture this afternoon a small delegation planned to visit the Hermitage in Ogden canyon as guests of Supt. Allison. In the party are Prof. Cooley, Principal Eaton, Miss Arnold, Miss Pollock, Secretary Gillilian and wife, and the representative of the "News." Another party is being made up to visit the state deaf and dumb institution, and still another is going out over the famous Lucin cut-off.

This afternoon there are in preparation a number of resolutions which will be offered at the business meeting tomorrow afternoon.

At a grammar department meeting this morning J. S. Welch of Salt Lake

At a grammar department meeting this morning J. S. Welch of Salt Lake was appointed president and S. P. Eggertson of Provo, secretary.

WILL ASK FOR \$50,000

WILL ASK FOR \$50,000.

The legislature will be asked by the teachers' convention now in session to make an appropriation of \$50,000 for the providing of a school for the training of children who are mentally weak or backward in their studies. The institution would be, not of a punitive nature, but entirely in the way of remedy for defects found in the youthful mind. A committee has been named to draft a suitable resolution to be passed upon by the convention before it adjourns, consisting of the following. Dr. Brown Ewing. of Salt Lake; G. M. Mumford, of Murray, and L. S. Cardon, of Logan.

THIS AFTERNOON'S SESSION. THIS AFTERNOON'S SESSION.

At this afternoon's session in the Grand Opera House Miss Arnold began her talk upon the problem of school discipline by addressing her remarks particularly to young teachers. She sald, "The beginner often says, 'I know I can teach, but I have much trouble in discipline.' Most of us have fought our way through trials us have fought our way through trials and tribulations to a clear conception of school discipline. This address is intended partly as a retrospective to those who have attained and as an ncouragement to those who have to

The term discipline was defined by the speaker to mean the right be-havior on the part of pupils, and a school was described as well disci-plined when the students were well behaved and the work for which they behaved and the work for which they are assembled progresses without interruption or difficulty. Miss Arnold pointed out a distinct difference between discipline which gets good behavior in schools at the expense of character and initiative. She warned teachers to be careful not to make prigs in stopping students from talking, snowballing and such things. The method which she advocated to secure good behavior was to teach self-control and ability to govern one's self, instead of intimidating students by punishment.

THE MAKING OF PRIGS.

The point was emphasized that the teacher must constantly look when enforcing discipline, beyond the school room to a period when her student becomes a citizen, with duties and responsibilities to the state. A number of practises common in the schoolroom were treated with reference to effectiveness of forces making for discipline. The practise of appointing monitors The practise of appointing monitors during the teacher's absence was severely condemned. "The monitor watches for misdemeanors," said Miss watches for misdemeanors," said Miss-Arnold, "and reports them when the teacher returns, and the offender is punished. The monitor becomes a lit-tle prig, who will never it wanted any-where, the heart of the offender is filled with hatred, and he gets even for it, while the whole school forms an idea that sin lies in being found out and re-ported, and not in the misdemeanor. In other words they are to behave when other words, they are to behave when they are watched, and are not supposed to be good on other terms."

"HEAD OF CLASS" DEPLORED. With equal severity, the habit of placing children at the head or foot of the class for good or bad behavior was condemned. "It is a mistake," she said, "to think that this seeds the children on the path of knowledge. It really makes the dull ones indifferent and makes the good ones stupidly proud of every little achievement."

every little achievement."

Self-control was then taken as the great object of good school discipline. "True discipline," she said, "can teach self-control. Arbitrary discipline weakens and defeats this power. It is one only through wisely directed choice. In the school where self-government has been encouraged, the pupils have become faithful to responsibility. True harmony can only come through wise, patient and faithful discipline."

LIST OF JURORS.

Names of Those Drawn to Serve in the District Court.

The list of jurors who will serve in the district court in this county during the January term of court, follows GEORGE G. ARMSTRONG, JUDGE.

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Joseph H. Graham, Phillip Neder,
William H. Jack, Herman Campbell,
David E. Jones, John J. Schulter, Joseph L. Perkes, Frank E. Browning,
John H. Berryman, Jacob A. Greenwald, William Love, Willard Draper,
Peter Adamson, Samuel Atwood, Thomas Brimley, Henry F. Fernstrom, Edwin Brown, Charles Nutting, Carl B.
Lollin, John H. Smith, John R. Cushing, John Hall, Royal Bateman, Fred D.
Jaynes. Edwin S. Elder, John W.
Moorehouse, William J. Husbands, Albert Isom, David Hogan, John Allen,
Andrew Joynt, John N. Pike, Frank
Godbe, Daniel B. McBride, Martin Nadel, John P. Pehrson, Phillip J. Stone,
Edward Atkin, Charles P. Loback, Wililam P. Nebeker, Moritz J. Friedman,
Amond F. Rundquist, J. H. Vincent,
Daniel B. Richards, Samuel F. Tucker,
John H. Walker, John J. Hill, Lorenzo
Williams, William Henry Hill, Patrick

Williams, William Henry Hill, Patrick R. Ferguson. MORRIS L. RITCHIE, JUDGE.

John G. Midgley, Samuel S. Pond, Jr.,
John E. Adam, Isaac Langston, Jr., Albaroni H. Woolley, Thomas S. Kinnersley, Herbert B. Cromer, Edwin H.
Rushton, William Pow, George T.
Palmer, Hyrum T. Marcroft, Benjamin F. Fitzgerald, John Huebler, William B. LaVille, Osbourne T. Angell, A. C.
Reid, Edward T. Taylor, Philo T.
Farnsworth, Louis Berets, Alexander Genmel, George Kendall, John H.
Woodmansee, Harry Bowen, Albert Rushton, Frunk E. Wilson, Amos L.
Fuller, H. H. Husbands, Julius Gauer,
D. T. Powell, R. H. Eardley, Arthur Silver, H. C. Parker, Ernest Dudler,
John Newbold, James F. Keith, John W. White, Andrew Gray, Henry G. McMillan, Thomas M. Alsop, Melvin C.
Morris, W. A. Aubrey, William Keysor,
P. J. Kilcullen, Alfred W. Peterson, Albert Shaw, Thomas R. Parry, Joseph A.
Silver, John G. Felt, David R. Brown,
Timothy Spray. MORRIS L. RITCHIE, JUDGE.

THOMAS D. LEWIS, JUDGE.

School Do for the Physically Defective Child," by E. J. Milne of the Latter-day Salnts' university, and "The Child and Its Need." on which topic many of those present spoke.

PENMANSHIP THE THEME.
O. J. Stilwell presided over the business men's section of the high school essembly room. C. E. Carton spoke on "Penmanship;" J. A. Bexel of Logan on "Two or Three Innovations Which I have Introduced." R. Leo Bird of the Haye Introduced." R. Leo Bird of the L. D. S. U. on "How Should the Start See Made in Bookkeeping?" O. J. Stil-

"LIMITEDS" MEET AT BRULE STATION

E. W. Hastings of New York and G. Haskins Killed-Twenty Passengers Hurt.

HONEYMOON'S TRAGIC END.

Los Angeles and Overland Fliers Collide in Snowstorm-Accident Could Not be Prevented.

Omaha, Jan. 3 .- Union Pacific overland limited and Los Angeles limited trains No. 2 and No. 8, both bound for this city, collided last night at Brule station, 20 miles west of North Platte in a blinding snowstorm. The Los Angeles train crashed into the observation car on the rear of the orevland limited. There were 30 passengers in the observation car and one, F. W. Hastings, an actor of New York, was instantly killed. Mail Clerk Worley of this city sustained a fractured skull and a passenger named Jennings was scalded.

Cheyenne, Wyo., Jan. 3 .- G. Haskins, a merchant of No. 212 west Fortyfifth street, New York City, was killed last night in a rear-end collision at Brule, Neb., between eastbound passenger trains No. 2, (the Overland limited), and No. 2, (the Los Angeles limited), on the Union Pacific railroad. Mr. Haskins was on his wedding trip. His wife was unhurt,

Train No. 2, had stopped at the station for orders. Just after the flagman was called in No. 8 rounded the curve and the collision could not be prevented. No. 8 was running at the rate of 15 miles an hour when it struck the train ahead. The locomo tive and nine cars were derailed About 20 passengers were injured, none of them seriously. The injured were cared for on the train.

OFFICIAL STATEMENT ON ROCK ISLAND WRECK.

Topeka, Kan., Jan. 3.—The Rock Island officials here today insisted that but 30 persons were killed and 30 others seriously injured in the collision of two fast passenger trains on that road yesterday, near Alma, Kan. The officials declare that the statement attributed to the conductor of train No. 23, that he had tickets for 76 Mexicans, is a mistake. They assert that at the most there were not over 35 Mexicans aboard the ill-fateutrain.

The known dead are: Julius Burmeister, aged 33, Davenport,

Julius Burmeister, aged 33, Davenport, 12.

William T. Miller, Soldier, Kan. Albert Line, colored porter, Topeka. Frank Sayre, New Loudon, Mo. W. H. Osgood of Mitchell, Ia.

Twenty-five Mexican laborers.
There are 12 seriously injured in the hospital here. Some of these may die. Most of the slightly injured have aiready left the city.

At Alma today the coroner's inquest over the victims was begun and John Lynnes, the boy telegraph operator, who is blamed for the collision, was the principal witness.

The remains of two charred and burned bodies were brought into Alma last night and these were presented to the jury. Most of them are the remains of Mexicans, but it is impossible to identify any of them. They will be buried at Alma after they have been viewed by the coroner's jury.

HARRIMAN OPERATED ON.

Operation Said to Have Been Entirely Successful.

New York, Jan. 3.—Edward H. Harriman, who has been confined to his home at Arden for about a week, returned to his town house yesterday. It is expected that he will be down town tomerrow. Mr. Harriman's recent indisposition caused him to undergo a light operation Monday. It was said to have been entirely successful.

JAPAN BUYING CORDITE.

New York, Jan. 3.—A cable dispatch to the American reports that the Japanese government has bought large quantities of cordite in London which are being shipped to Japan as rapidly as the manufacturers can deliver it. It is stated that Japan is merely replenishing her reserve of explosives which was exhausted by the war.

PROF. BENNDOFF DEAD.

Vienna, Jan. s.—Prof. Benndoff, the archeologist, is dead. He was noted for his discoveries of antiquities in Ephesus.

AGED NEGRO MURDERED.

San Francisco, Jan. 3.—Frank Smith, an aged nego cement worker, was found dead on the floor of his cabin in Lobes Square last night with a deep wound over his right eye. Henry Jones, also a negro, refugee of the same camp, is held at the Bush street police station on suspicion and defectives are searching for the other occupants of the cabin. The police believe that Smith was murdered.

A TELEPHONE MERGER.

San Francisco, Jan. 3.—Announcement is made that the Pacific States Telephone and Telegraph company and the Sunset Telephone and Telegraph company nave been merged into one company, and that their various properties and systems, reaching every part of the Pacific slope, will be taken over by a merger company called the Pacific Telephone and Telegraph company. The consolidated stock has been capitalized at \$50,000,000. Of the their will be \$22,000,000 in preferred stock and \$18,000,000 in common stock.

Vast expenditures and improvements are planned.

planned.

While the merger has been in contemplation for some time, it was only yesterday that the details were completed. The shareholders of the old companies met, and by vote, ordered the change.

JAP SHIPPERS FAVORED. New Chwang, Jan. 3.-Japanese ship-

pers over the Manchurian railway, re-ceive 100 per cent aper rates than those of other nationalities. HEAVY STORM DUE.

Weather Office Has One Scheduled Tonight From the Northwest.

There is a heavy storm approaching from the northwest, and which will be due here tonight, as the high barometric area that promised to cover this region today, has been shoved to one side by the stronger currents to the north of it. Colder weather is also due in this latitude tomorrow. The mercury in the north continues very low, registering 30 below zero last night at Swift Current.

ALLEGED COAL LAND FRAUDS

House Committee on Public Judge Landis Rules Against it on Lands Has Taken up the Matter.

State Said to Have Got Them as | Charges Against Company Are Viola-Agricultural and Sold Them As Coal Lands.

In Wyoming and the Dakotas They Cannot be Sold for Less Than 310 an Acre.

(Special to the "News.")

Washington, D. C., Jan. 3.-Maj. John F. Lacey, chairman of the public lands committee of the house, was in conference with Secy. Hitchcock relative to the coal lands of the United States and alleged frauds growing out of their occupancy by rallroads and other holding

"The first thing in matters of legislation is to get actual facts," said Maj. Lacev.

"The committee on public lands of the house has taken up the subject of the president's message on the coal lands question and has taken considerable testimony. They will resume hearings Secy. Hitchcock has been invited to appear at that time.

"The evidence taken thus far deals with the subject of procuring of coal lands by the State of Utah as agricultural lands and then selling the same as coal lands at \$2.50 an acre.

"The United States government sells coal lands at less than \$10 an acre, when more than 15 miles from a railroad and not less than \$20 an acre if less than 15 miles from a railroad. This price has been high enough to cause the land to be taken very slowly for coal. Only about 44,000 acres of coal land were enetered in the whole United States last year and it has averaged not over 30,000 acres a year the last

"Coal land, it appears, is secured in this roundabout way, through state selection not under the coal land law, but to avoid the payment of the high price fixed at \$10 and \$20 an acre under the coal land laws.

'In Wyoming and the Dakotas state land cannot be sold at less than \$10 an acre under the terms of the grant to that state, so that there is no profit in getting the state to select land to sell to coal purchasers, because it would still be not less than \$10 an acre.

"If there are 64,000,000 acres of government coal lands in the United States, as suggested by the late order of withdrawal, it can readily be seen that at 30,000 or 40,000 acres a year, it would take a long time to make much impres-

sion on it.
"But there have been entries made under other laws so as to avoid the coal land laws. The evasion of the coal land laws seems to have been ac-complished in various ways. The committee is seeking to get at the bottom facts."

BIG PLUM FOR THE UINTAH INDIANS

They Get \$28,000 From Sales of Timber Under Act of March 3, 1905.

VERY HIGH PRICES PAID.

Last Sale of Green Timber Was Made

At \$5.50 Per Thousand Feet.

(Special to the "News.") Washington, D. C., Jan. 3 .- Sales of timber aggregating 10 and three-quarters million feet have secured to the Uintah Indians nearly \$28,000 under the act of March 3, 1905. This law provided that any land in the Uintah Indian reservation necessary for forest

reserve purposes might be proclaimed by the president as part of the Unitah forest reserve. Ordinarily 10 per cent of the gross receipts from reserve business goes to counties withi nthe reserve. But this special law gives to the Indians the

counties within the reserve. But this special law gives to the Indians the entire timber sale receipts from these lands for 15 years ending June 30, 1920. The area of this Indian land, made forest reserve under act, was 1,010,000 acres. The average price received per 1,000 feet in sales hitherto is \$2.50; 227,000 feet was dead timber. Prices are rising, however, and the last sale of green timber was made at \$5.53 per 1,000, nearly the bighest figure ever paid for timber in the history of government timber sales.

It is confidently expected that by this administration of former Unitah lands the Indians will receive from timber sales alone at least as much as they would have received for this land if it had not been included in the reserve but disposed of at \$1.25 per acre as would have happened otherwise. Moreover, this arrangement returns their profit in the form of a steady increase. Finally, when the period of trusteeship ends in 1920 and the Indians have received full syment, the public will still possess in the land a productive forest improved by correct management and producing timber of which the value will assuredly have been increased by lapse of time and growth of demand. The Indians themselves are allotted on lands dependent on regation which would be greatly harmed if this reserve area were not maintained under forest reserve.

maintained under forest reserve.

STANDARD OIL DEMURRER LOST

Eight Indictments and For it on Two.

UTAH VERY MUCH INTERESTED LATTER SIMPLY TECHNICAL.

tion of Section 1 of the Elkins Law.

Chicago, Jan. 3.-Judge Landis in the

United States district court, today overruled the demurrer of the Standard Oil' company to eight indictments pending against that corporation, but sustained the demurrer as to two other indictments because of technical defects. These productions," said the court, 'are for illeged violations of section 1 of the act approved Feb. 19, 1903, known as The charge is that iefendant obtained the transportation defendant obtained the transportation of its property by various railway companies at rates less than those named in the carriers' published schedules. The offenses are alleged to have been committed prior to the enactment of the law approved June 29, 1906, known as the rate law. The indictments were returned Aug. 27, 1906."

COURT'S RULINGS.

The court ruled against the defendant's contention that the Elkins law was enacted really to prohibit the employment of indirect methods to obtain preferential rates, it being the defendant's contention that it was not a violation of the law if a railway company lation of the law if a railway company dealing directly with a shipper, gave that shipper a cut rate.

The court also ruled against the de-

fendant's claim that the provision of the Elkins law required shippers to ad-here to a published rate was void as behere to a published rate was void as being against that provision of the Interstate commerce law which required carriers to transport property for a reasonable rate, the court holding that carriers and shippers were both required
to adhere to the published rate until
such rate was publicly changed in the
manner provided by law.

The court further ruled against the
defendant's contention that the indictments were bad because the interstate
commerce law did not require railway
companies to publish rates between

companies to publish rates between points beyond the carriers own line of road, holding that if a carrier, having made an arrangement with connecting lines for the transportation of property beyond its own lines, should thereupon publish rates for the transportation of publish rates for the transportation of property between such points, the carrier must therefore be held as to the shipping public to have facilities for the transportation of property to such points beyond its own line and that the requirement of the law applied to such a case with the same force that it applied to a point on the carrier's own line.

The court ruled against the defend-ant's contention that the provision of the interstate commerce law requiring carriers to publish terminal charges was not operative upon consignees holding that in respect to such terminal charges, inasmuch as the consignor would have but little if any interest in the question, the law plainly was in-tended to be binding on consignees. The tended to be binding on consignees. The terminal charges in question consisted of large amounts of storage charges that had accrued on petroleum consigned to the Standard Oil company at Chicago and which the indictment charges the Lake Shore and Michigan Southern Railroad company concelled and released to the Standard Oil company a rebate in respect of the transpany a rebate in respect of the trans-

portation of the petroleum. CONTENTION OF THE U. S.

"It is contended in behalf of the United States," said the court, "that the act of June 29, 1906, did not go into effect until after these indictments were returned. It is urged that the postpone-ment was effected by the adoption of the joint resolution by Congress, ap-proved June 30, 1906. That resolution provides that the rate law 'shail take effect and be in force 60 days after its approval by the president of the United States.'

States.'

"Of course, the purpose of this resolution is obvious. But it was wholly ineffective until approved by the president. This occurred on June 30. And, by its own terms, the act became effective on its approval by the president one day before, Plainly, therefore, on June 30, the resolution was powerless to postpone that which had already occurred on June 29. While possibly on June 30, the resolution might operate to suspend the act for a period of time, (and as to this I express no opinion), the questions presented by the demurrers to these indictments are to be determined as if a postponement or suspension of the act had not been attempted."

attempted.

suspension of the act had not been attempted."

After observing that the Elkins laws was repealed by the rate law, and that, unless there was a statute keeping alive for future prosecution offenses which had been committed against the Elkins law prior to its appeal, the court quoted section 13 of the revised statutes of the United States enacted in 1871.

"The repeal of any statute shall not have the effect to release or extinguish any penalty, for forfeiture or liability incurred under such statute, unless the repealing act shall so expressly provide, and such statute shall be treated as still remaining in force for the purpose of sustaining any proper action or prosecution for the enforcement of such a penalty, forfeiture liability. feiture liability. LAW ATTACKED.

"This law," said the court, "has been

"This law," said the court, "has been attacked here as an unwarranted attempt by the Congress that enacted it to curtail the authority of succeeding Congresses by limiting in advance the effect to be given to their enactments. Now, under our Constitution, each Congress is the equal, in point of power, of any predecessor or successor. Therefore no Congress has authority to draw in the boundaries of the legislative domain to the embarrassment of any other in the boundaries of the legislative domain to the embarrassment of any other
Congress. But as I read section 13, this
is not attempted. It is rather the substitution of a new rule to be observed
by the courts in the construction of
statutes thereafter to be enacted. It
seems to me that such new rule is no
more an impairment of the legislative
power of succeeding Congresses than
was the previously existing common
law rule an impairment of the power of
preceding Congresses. That Congress
had the constitutional power to make
the change is plain. That any succeeding Congress may abrogate the new
rule and restore the old rule is equally
plain. That, until such old rule is restored, each succeeding Congress intends that the courts shall be guided by
the new rule in giving effect to other
enactments, seems to me beyond question." COURT'S DUTY.

"It is the duty of the court," said | tion

Judge Landis, "to enforce the will o Congress as expressed in the written enactment. In the ascertainment of that will, I am not at liberty to ignore the ultimate object of the law. That the utilimate object of the law. That object was the establishment of uniform railroad rates, reasonable in amount. The former law had failed to accomplish this and was, therefore, strengthened. Instead of being wiped off the books as having served its purpose additional and severa liabilities. off the books as having served its purpose, additional and severe liabilities were created, and more drastic remedies and penalties authorized. For the offense with which the defendant stands charged, the preceding Elkins law proscribed punishment only by fine. The view entertained by the present Congress respecting this offense finds expression in the provision authorizing the additional penalty of imprisonment in the penitentiary. And the court is asked to hold that this same Congress deliberately intended to pardon all unindicted prior offenders, whose conduct it was, more than all other causes combined, that moved Congress to enact the rigid and farreaching measure of June 29."

REPEAL OF STATUTE.

REPEAL OF STATUTE

"My opinion is that, whereas at com-mon law, the repeal of a penal statute extinguished all penalties for offenses against its provisions in the absence of an express saving clause, under sec-tion 12 they recently a penal statute. tion 13, the repeal of a penal statute extinguishes no such penalties in the absence of any express extinguishing clause, which the rate law does not contain; that the so-called saving ciause in section 10 was inserted for the sole purpose of differently prescrib-ing the rule of procedure that should control the prosecution of causes then control the prosecution of causes then pending in various stages in the courts, thus avoiding the confusion and controversy which, as experience has shown, must otherwise have resulted."

The court overruled the demurrer to eight of the indictments and sustained it as to two on technical grounds.

it as to two on technical grounds

WARRANT IS OUT FOR JUDGE BROWN

The spectacle of the judge of the juvenile court appearing before Judge C. B. Diehl on a criminal chargethat of keeping a vicious dog-is among the probabilities in police circles. A complaint to the effect stated, has been drawn up, sworn to, and a warrant for the arrest of Judge Brown has been issued, but not served. The warrant may not be served, that is, if Brown kills the dog, but if he fails to satisfy the complainant, Asst. Cit. Atty. P. J. Daly will do his duty, and order the warrant served.

warrant served.

But whether there is any criminal prosecution or not there is a good chance that a civil action against Judge Brown will be taken, and damages asked for from the court.

The complainant is a well known contractor, Peter Marron, and he has sworn that a dog owned by the genius loci of the juvenile court attacked one of the Marron children, a boy, and bit him severely. Mr. Marron insists that the dog be killed, but Judge Brown is inclined to take a different view of the matter.

inclined to take a different view of the matter.

The trouble was explained to Prosecutor Daly and the latter did the only thing for aim to do issued a complaint. But, before the warrant was served he communicated with Brown and in substance stated that the dog should be disposed of, and that the matter was up to the bose of the juvenile court.

It is understood that the owner of the dog has agreed to see the father of the

It is understood that the owner of the dog has agreed to see the father of the child alleged to have been injured, and take some action which will be satisfactory to all concerned.

According to the ordinance, as interpreted by the prosecutor, the fact that a dog bites a person, is sufficient evidence to prove that the animal is vicious and is grounds for either a criminal or civil action against the owner thereof.

In any event, it is "up to Judge In any event, it is "up to Judge Brown."

REQUISITION HONORED.

Ollie Stevens Now on Her Way to Montana With an Officer.

Gov. Cutler vesterday afternoon honored the requisition of the governor of Montana for the return to that state of Montana for the return to that state of Oille Stevens, who was arrested at Murray upon the request of the sheriff at Boulder, Mont., where the woman is wanted in connection with a criminal operation which caused the death of Wanda Walters, a 17-year-old girl. Deputy Sheriff Gibson left last night with his prisoner to take her back to Boulder to stand trial.

The young girl was employed at the

Boulder to stand trial.

The young girl was employed at the Boulder Hot Springs, where she met and fell in love with Roy Byers, a 'bus driver. It is claimed that he was responsible for her condition, and the authorities are now looking for him. It is claimed that the operation was performed by Ollie Stevens, who was a close friend of the Walters girl.

Soon after the operation the girl came to this city and went to St. Mark's hospital for further treatment. She died while in that institution. The Stevens woman came to this city also and was arrested at Murray several days ago by Deputy Sheriffs Steele and

and was arrested at Murray several days ago by Deputy Sheriffs Steele and Sharp, where she was visiting with relatives. She has been detained in the county jail here awaiting the arrival of an officer with requisition papers. At the hearing before the governor yesterday afternoon, the woman was represented by Attorney J. M. Hamilton, who contested the requisition, but the governor honored the papers, and the officer and his prisoner are now on their way to Boulder.

CHARGED WITH BURGLARY. Alma Jones and John Williams Bound

Over to District Court,

Alma Jones and John Williams, harged with burglary, were arraigned charged with burglary, were arraigned before Judge Diehl in the criminal division of the city court this morning. Williams will be given a preliminary hearing tomorrow, but Jones decided there was no use in waiting, and entered a plea of guilty. He did not have long to wait, as the judge ordered him bound over to the district court on the charge named in the complaint, and sent him to the county jail in default of bonds in the sum of \$500.

APPROVED BY MAYOR. Ezra Thompson Agrees With Action of

Sheets in License Case, Mayor Thompson has approved the ac

tion of the council in upholding Chief of Police Sheets, who denied a renewal

of Police Sheets, who denied a renewal of liquor license to Caesare Brunn because the latter's bartender was convicted of selling liquor on Sunday.

The mayor also approved the Black resolution providing that all requisitions for labor in all departments shall specify the kind of work to be done a nd in what particular locality it is to be done. The resolution was opposed by the street department and the mayor has held it up for several days to make an investigation.

BANCROFT WRITES AN OPEN LETTER

FIFTY-SIXTH YEAR

Sets Forth History of Present Controversy Between Big Railroad Unions.

AUTHORITY IS IN DOUBT.

Trouble is Not Between Railroads And Their Employes Clearly Shown in Statement.

Hannahan's Game Exposed in Effort To Force Universal Walkout on The Harriman Lines.

W. H. Baucroft, vice president and general manager of the Oregon Short Line Railroad company, has issued a statement setting forth certain facts pertaining to the firemen's strike on the Atlantic system, and the recent statements made by John J. Hannahan. grand chief of the Brotherhood of Locomotive Firemen.

This statement follows in its entirety:

Salt Lake City, Jan. 3, 1997.
In view of the widespread newspaper attention that has been given to the strike of the locomotive firemen on the Atlantic system lines of the Southern Pacific system lines of the Southern Pacific company, and the published threat of Mr. John J. Hannahan, grand chief of the Brotherhood of Locomotivo Firemen, that, unless the demands of

Firemen, that, unless the demands of the firemen are complied with, the strike will be extended to the rest of the Harriman lines, it is at this time deemed desirable to call attention to some facts concerning the matter, not perhaps generally known, and so far as observed, not heretofore called to public attention by the press.

The threat of Mr. Hannahan means that although the firemen of the other system lines have no present difference with their employers and are not a party to the controversy between the firemen of the Atlantic system lines, yet because of the power he is able to exert as head of the firemen's organization, he proposes to extend the strike to other lines and other individuals as a he proposes to extend the strike to other lines and other individuals as a means of enforcing demands that are not a matter of difference at all to those who will in this way suffer and bring untold hardship, inconvenience and loss upon innocent parties. Believing in the honesty, honor, loyally and fairness of the great body of rall-way men and workmen, it is the conviction that with full knowledge of the facts, they will not be made a party to such action, and that public sentiment and state and government officials will not approve or support such procedure, the following statement is presented.

THE LINES AFFECTED.

The lines now affected by the strike and constituting the Atlantic System

Morgan's Louisiana & Texas Railroad Steamship company, Iberia and Vermillion Railroad com-

Louisiana Western Railroad company. Texas and New Orleans Railroad ompany.

CAUSE OF PRESENT STATUS. Briefly stated, the facts leading up to and contributing to, if not entirely causing the present conditions, are as collows: An agreement was entered was entered into between each of the railway com panies above mentioned and the Broth-erhood of Locomotive Firemen, acting through its general committee of its joint protective board, bearing date

of April 1, 1903, and amended April 1,

1906.
An agreement was likewise entered between the management of each of the railway companies above mentioned and the Brotherhood of Locomotive Engineers, acting by and through its general committee of adjustment, bearing date of Feb. 1, 1903, and supplement of May 1, 1906.

Both of these agreements are in full force and effect, and it is the purpose of the management of these lines to respect all of the provisions of both of these agreements, both in letter and in spirit. A controversy has arisen as to these agreements, both in letter and in splrit. A controversy has arisen as to which of the organizations mentioned (the Brotherhood of Locomotive Engineers or the Brotherhood of Locomotive Firemen) are authorized to negotiate and deal with the management of these several lines with respect to rules, regulations and rates of pay, and (particularly sequential).

larly regulating seniority) of engineers in switching service. CONTEST OVER AUTHORITY.

The accredited representatives of the Brotherhood of Locomotive Firement contend, in effect, that all matters concerning rules, regulations and rates of pay of engineers in switching service, should be regulated by contract be-tween the Brotherhood of Locomotive

should be regulated by contract between the Brotherhood of Locomotive Firemen and these companies. The accredited representatives of the Brotherhood of Locomotive Engineers, on the other hand, contend that all matters pertaining to the welfare of all engineers should be dealt with by agreement between them and the management of these companies.

Thus it is seen that this is obviously a controversy directly affecting two organizations, each interested in protecting and representing its present membership and in increasing its membership. The attitude of the management of the companies has been one of absolute neutrality, their position being that these companies have but an indirect interest in this controversy, their interest being to see to it that the most capable and reliazie men available under well-defined rules of promotion, are given positions of responsibility in the interest of the safety of the traveling public and of the property confided to the care of these companies as common carriers. They had hoped and believed, and still hope and believed, that wise counsels will prevail, and that the two contending organizations will confer in a friendly spirit and reach a conclusion which will be acceptable to both of them, as well as to these companies.

It has been repeatedly urged in conferences had with committees of both organizations, that their differences should be settled amicably and fairly between themselves, and that the companies have only an indirect interest

should be settled amicably and fairly between themselves, and that the companies have only an indirect interest in the controversy, and that neither were justified in insisting that the companies decide between them unless they (the organizations) were willing to abide by the decision thus made.

RAILROADS ARE NEUTRAL.

These companies are willing to abide such settlement of the issue between the contending organizations as above defined, as may be reached by them, or in the alternative, they are ready to determine this issue, if submitted to them, provided both organizations wilf